

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
LAFAYETTE DIVISION**

DONALD STANFORD)	
)	
Plaintiff,)	
)	Case No. 4:20-41
vs.)	
)	
LOVE’S TRAVEL STOPS & COUNTRY)	
STORES, INC.,)	
)	
Defendant.)	

NOTICE OF REMOVAL OF CIVIL ACTION

Defendant, Love’s Travel Stops & Country Stores, Inc. (“Love’s”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice of the removal of this cause to the United States District Court for the Northern District of Indiana, Lafayette Division, from the Superior Court of Jasper County where this action, styled as *Donald Stanford v. Love’s Travel Stops & Country Stores, Inc.*, Cause No. 37D01-2004-CT-000316 (the “State Court Litigation”), is now pending, and states:

1. The State Court Litigation was commenced on April 29, 2020, in the Superior Court of Jasper County, an Indiana state court located within this judicial district and division of this Court. *See* 28 U.S.C. § 1446(b). Process was served on Love’s on or about May 1, 2020, and this Verified Notice of Removal of Civil Action is being filed within the time required by 28 U.S.C. § 1446(b). A true and accurate copy of the Summons, Complaint, and Appearance served upon Love’s is attached as Exhibit A.

2. On May 19, 2020, Love’s filed its Unopposed Motion for Initial Extension of Time to answer or otherwise respond to the Complaint, and on May 20, 2020, the Court entered an Order Granting the same. A true and accurate copy of this order is attached as part of the Sate

Court record in Exhibit A. Contemporaneously with this Notice of Removal, Love's has filed its Initial Motion for Extension of Time for leave to file on the same date as ordered in Exhibit A.

3. The State Court Litigation is a civil action for personal injury resulting from an alleged fall on the Love's premises.

4. The United States District Court for the Northern District of Indiana, Lafayette Division, has diversity jurisdiction over this case pursuant to 28 U.S.C. § 1332, by reason of the diversity of citizenship of the parties and the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of costs and interest.

5. For purposes of 28 U.S.C. §1332, at the time of the injury alleged, at the time the action was commenced in state court, and at present, Plaintiff, Donald Stanford, has been a resident and domicile of the State of Indiana. At the time of the alleged injury, at the time the action was commenced in state court, and at present, Plaintiff has resided at 2432 North Webster Avenue, Indianapolis, Indiana, 46219. Upon information and belief, Plaintiff intends to continue residing in the State of Indiana.

6. At the time of the alleged injury, at the time the action was commenced in state court, and at present, Love's was and is a business entity incorporated in the State of Oklahoma with its principal place of business in the State of Oklahoma, making Love's a citizen of Oklahoma for purposes of 28 U.S.C. § 1332.

7. There is complete diversity of citizenship for purposes of 28 U.S.C. § 1441(b).

8. Written notice of the filing of this Verified Notice of Removal of Civil Action is concurrently being provided to the parties as required by law.

9. A true and accurate copy of this Notice of Removal of Civil Action will be filed with the Jasper County Superior Court as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant, Love's Travel Stops & Country Stores, Inc., requests that this cause proceed in this Court as an action properly removed.

Respectfully submitted,

/s/ Sarah T. Parks

Christina M. Bruno (Atty. No. 27334-49)

Steven D. Groth (Atty. No. 17643-71)

Sarah T. Parks (Atty. No. 34798-53)

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CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system. Copies of the foregoing were also sent via U.S. Mail to the following persons:

Dean James Arnold
Ken Nunn Law Office
104 S. Franklin Road
Bloomington, IN 47404

/s/ Sarah T. Parks

Sarah T. Parks

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